HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7631 OF 2005.

The Walkeshwar Co-operative
Housing Society Ltd. ..Petitioner.

Versus.

The Divisional Jt. Registrar
of Co-operative Societies, Mumbai
& Others. ..Respondents.

Shri. Bimal Bhabhda i/b Apte & Co., for the Petitioners.

CORAM: S.B.MHASE, J.
DATE : MARCH 6, 2006.

P.C.

1. Heard Shri. Bimal Bhabhda i/b M/s. Apte & Company for the petitioner. This petition arises from a proceeding under section 101 of the Maharashtra Co-operative Societies Act which was initiated by the petitioner for seeking recovery of the certain amount. The certificate was granted in respect of an amount of Rs.2,58,189/- and so also the expenditure of Rs.3,639/-. It is further requested that the principal amount of Rs.1,84,634/- and interest at the rate of 18% p.a.m from 1.1.2004 till the amount is paid shall be recovered. Since the certificate was for lesser amount than as desired by the society, the society filed revision application as against the said order. That revision application was dismissed. Therefore, the society has come

before this Court by way of this petition.

2. The question of dues is a matter of fact finding and after hearing the parties the finding of fact in respect of the dues to be recovered has to be arrived at by the Deputy Registrar. No illegality or perversity was pointed out before this Court while making submissions. Submission of the petitioner is that the certificate could have been granted for the amount which has been claimed. However, in my opinion, that is not the area of superintendence of this Court under Article 226 or 227 of the Constitution of India. Petition is therefore rejected.

(S.B.MHASE, J.)